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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,637	07/17/2003	Yonsheng Shen	011361.00065	2587
22910 7590 11/05/2010 BANNER & WITCOFF, LTD. 28 STATE STREET SUITE 1800 BOSTON, MA 02109-1701			EXAMINER OLSEN, KAJ K	
			ART UNIT 1724	PAPER NUMBER
			MAIL DATE 11/05/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/006,209	01/29/2002	5650054	101204-00004	4200

28316 7590 11/05/2010

BANNER & WITCOFF LTD.,  
ATTORNEYS FOR CLIENT NO. 004954  
28 STATE STREET  
SUITE 1800  
BOSTON, MA 02109-1701

EXAMINER

ART UNIT

PAPER NUMBER

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(For Patent Owner) **MAILED**

**NOV 05 2010**

**CENTRAL REEXAMINATION UNIT**

Robert B. Murray  
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1425 K Street, NW, Suite 800  
Washington D.C. 20005

(For Third Party Requester)

In re Reissue Application of  
Yonsheng Chen, *et al.*  
Application No.: 10/621,637  
Filed: July 17, 2003  
For: U.S. Patent No. 5,650,054

:  
: SUPPLEMENT TO  
: PRIOR DECISION  
: TO MERGE  
: REISSUE AND  
: REEXAMINATION  
: PROCEEDINGS

In re Yonsheng Chen *et al.*  
Reexamination Proceeding  
Control No.: 90/006,209  
Filed: January 29, 2002  
For: U.S. Patent No.: 5,650,054

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This decision is supplemental to the Office's prior merger decision mailed March 14, 2008, which *sua sponte* merged reissue application No. 10/621,637 and reexamination control No. 90/006,209 into a single proceeding.

The above-identified prior merger decision continues to be in effect, and all further examination in the merged proceeding should continue to be conducted in accordance with the above-identified prior merger decision, except as it is supplemented by this decision – as follows:

If a request for continued examination (RCE) is filed under 37 CFR 1.114, as is permitted for the reissue application, then the merged proceeding will be automatically severed, and the reissue application may then be suspended. Patent owner is put on notice that, in such event, a request for continued examination (RCE) is not available in the reexamination proceeding, and any response to the outstanding Office action (e.g.,

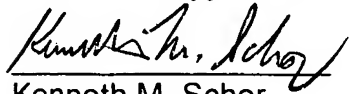
response to a final rejection) at that stage in the reexamination proceeding must be made taking into account the non-availability of RCE practice. Any failure to timely respond would result in the termination of the prosecution pursuant to 37 CFR 1.550(d).

In addition, if a final Office action should be issued subsequent to the mail date of this decision in this merged proceeding, any request for extension for time (to respond to any such subsequent final action) must be filed under 37 CFR 1.136(b) where an extension is permitted by rule. No extension of time will be permitted under 37 CFR 1.136(a) after any final Office action issued in the present merged proceeding subsequent to the mail date of this decision.

The merged proceeding will otherwise continue as per the above-identified prior merger decision.

### **CONCLUSION**

1. Reissue application No. 10/621,637 and reexamination control No. 90/006,209 remain merged as a single proceeding.
2. If a request for continued examination (RCE) is filed under 37 CFR 1.114, the merged proceeding will be automatically severed. Patent owner is put on notice that, in such event, a request for continued examination (RCE) is not available in the reexamination proceeding, and any response to the outstanding Office action (e.g., response to a final rejection) at that stage in the reexamination proceeding must be made taking into account the non-availability of RCE practice. Any failure to timely respond would result in the termination of the prosecution pursuant to per 37 CFR 1.550(d).
3. In addition, if a final Office action should be issued in this merged proceeding subsequent to the mail date of this decision, then any request for extension for time (to respond to any such subsequent action) must be filed under 37 CFR 1.136(b) where an extension is permitted by rule. No extension of time will be permitted under 37 CFR 1.136(a) after any final Office action issued subsequent to the mail date of this decision.
4. All further examination in the merged proceeding is to continue to be conducted in accordance with the above-identified prior merger decision.
5. Telephone inquiries related to this decision should be directed to Colleen Dunn at (571) 272-1170, or in her absence to Eric Keasel at (571) 272-4929 or to Mark Reinhart at (571) 272-1611.

A handwritten signature in black ink, appearing to read "Kenneth M. Schor", written over a horizontal line.

Kenneth M. Schor  
Senior Legal Advisor  
Office of Patent Legal Administration

11/04/10